

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

UNITED STATES OF AMERICA)
)
)
v.) Docket No. 2:05cr155-MHT
)
LEIGH ROHAN)

Probation Officer's Response to Defendant's Motion to Amend
Sentence

Pursuant to the Court's order filed on January 30, 2008 (Doc. No. 94), the probation officer files this response to defendant Rohan's motion to amend her sentence and judgment to include that she be "sent to home confinement." Specifically, the defendant seeks to have the Court recommend to the Bureau of Prisons "the type of 'prison facility' to place Rohan in the last six months of her sentence." The probation officer recommends that the defendant's motion is due to be denied.

Title 18, Section 3624(c) provides for the following:

(c) Pre-release custody.—The Bureau of Prisons shall, to the extent practicable, assure that a prisoner serving a term of imprisonment spends a reasonable part, not to exceed six months, of the last 10 per centum of the term to be served under conditions that will afford the prisoner a reasonable opportunity to adjust to and prepare for the prisoner's re-entry into the community. The authority provided by this subsection may be used to place a prisoner in home confinement. The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during such pre-release custody.

The above-noted section grants exclusive authority to the Bureau of Prisons to determine and administer a home confinement program for federal prisoners. The Bureau of Prisons has

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recognized its authority under this section, manifested in Program Statement 7320.01.¹ This 13-page document includes an explanation of the criteria and procedures for placing an inmate on home confinement, and states that the Community Corrections Manager (CCM) is the person who makes such determination:

PLACEMENT ON HOME CONFINEMENT. Only the CCM may approve home confinement. The CCM shall notify the U.S. Probation Officer (USPO) prior to final approval of placement on home confinement and document that notification is in the file.²

Respectfully Submitted,

/s/ Alfred L. Lancaster
Alfred L. Lancaster
Senior United States Probation Officer

¹ U.S. Department of Justice, Federal Bureau of Prisons, Program Statement, Number 7320.01, dated September 6, 1995

² Id. at 5.